IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: **BUR920030043US1**

In re Application of: §

ANDERSON ET AL. §

Serial No.: **10/605,621** §

Filed: **14 OCTOBER 2003** §

For: **METHOD AND APPARATUS** §
FOR TRANSLATING DATA PACKETS §
FROM ONE NETWORK PROTOCOL §
TO ANOTHER §

Confirmation No.: **2620**

Examiner: **RIYAMI, A.**

Art Unit: **2616**

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Request is submitted in conjunction with a Notice of Appeal, filed in response to the Final Office Action dated September 19, 2007, having a shortened statutory period set to expire December 19, 2007.

REMARKS

In the Final Office Action dated September 19, 2007 and the Advisory Action dated October 10, 2007, Claims 1-2, 5-7 and 9-12 stand finally rejected under 35 U.S.C. § 102. Appellants are appealing the § 102 rejections of those claims.

ARGUMENTS

Claim 1 (and similarly Claims 6 and 11) recites "in response to a data packet from a first network arriving at a translation router, selecting an appropriate one of said plurality of translation templates from said translation template cache according to an incoming port number from which said data packet comes." Thus, one of the translation templates is selected from the translation template cache based on an incoming port number from which the data packet comes.

On pages 2 and 9 of the Final Office Action, the Examiner asserts that the claimed selecting step is disclosed by *Yao* in paragraphs 27 and 31. In paragraph 31, *Yao* teaches that "the network must implement a systematic method to uniquely identify the port in any of the supported protocols..." (lines 11-12). A master port address translation table is utilized to maintain the type of protocol that the network supports. For example, if the network supports Ethernet, the master port address translation table maintains an Ethernet IP address; if the network supports Fiber Channel, the master port address translation table maintains a Fibre Channel address ID; if the network supports InfiniBand, the master port address translation table maintains InfiniBand local and global IDs; and if the network supports ATM, the master port address translation table maintains the ATM port addresses for each port (lines 15-20). The switch must search through the master port address translation table every time a packet or frame of data is transferred in order to determine the correct <u>destination</u> for the data (lines 20-23). Thus, according to *Yao*, the port address is intended for the <u>destination</u> of a data packet.

Also, in paragraph 27, *Yao* teaches that in order "to send a message or frame from a Fibre Channel port to a Gigabit Ethernet port, the destination port needs to appear as a Fibre Channel port to the source port; and the source port needs to appear as a Gigabit Ethernet port to the destination port" (lines 11-15). In other words, *Yao* simply teaches that when sending a frame

from a sender having a Fibre Channel port to a receiver having a Gigabit Ethernet port, the receiver port needs to appear as a Fibre Channel port to the sender port; and the sender port needs to appear as a Gigabit Ethernet port to the receiver port, and it was not an example of an incoming port, as suggested by the Examiner.

In contrast, the claimed selecting step is performed "according to an incoming port number from which said data packet comes" (emphasis added). In other words, the translation template is selected based on the source of data packet and not the destination of the data packet as taught in *Yao*. Because the claimed invention recites novel features that are not taught or suggested by *Yao*, Appellants therefore request a finding by the review committee that the § 102 rejection is improper and/or that Claims 13-20 are allowable.

CONCLUSION

Appellants respectfully request a Notice of Allowance for all pending claims or an Office Action indicating that Claims 1-3, 5-8, 10-13 and 15 are allowable.

No extension of time is believed to be necessary; however, in the event that any extension of time is required for the prosecution of the present application, please charge it against IBM Corporation Deposit Account No. **09-0456**.

Respectfully submitted,

Antony P. Ng
Registration No. 43,427
DILLON & YUDELL, LLP
8911 N. Capital of Texas Hwy., suite 2110
Austin, Texas 78759
(512) 343-6116

ATTORNEY FOR APPLICANTS